

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

RONALD FRENCH §  
v. § CIVIL ACTION NO. 9:09cv74  
NATHANIEL QUARTERMAN §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Ronald French, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement in the Texas Department of Criminal Justice, Correctional Institutions Division. French originally filed his lawsuit as an application for the writ of habeas corpus, but it has been construed for all purposes as a civil rights action because of the nature of the claims. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant in the lawsuit is Nathaniel Quarterman, the former Director of the Texas Department of Criminal Justice, Correctional Institutions Division.

French complained of the medical care which he received during his confinement in the prison. He stated that the medications which were prescribed for him by prison physicians do not work and that he should be on a medication called clonidine, which he says is more effective. The Magistrate Judge conducted an evidentiary hearing and received copies of certified, authenticated prison medical records. After reviewing the pleadings, records, and testimony, the Magistrate Judge issued a Report on January 22, 2010, recommending that the lawsuit be dismissed as frivolous and for failure to state a claim upon which relief may be granted. A copy of this Report was sent to French at his last known address, return receipt requested, but no objections have been received;

accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings, records, and testimony in this cause as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous and for failure to state a claim upon which relief may be granted.

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 12 day of March, 2010.



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Ron Clark, United States District Judge